

KMZ Rosenman Docket No.: 215105-01400  
Customer No. 27160

U.S. Patent Application No.  
10/658,528

### DECLARATION

the below named inventors, we hereby declare that:

Our residence, post office and citizenships are as stated below next to our names,

We believe we are the original, first and joint inventors of the subject matter claimed and for which a patent is sought on the invention entitled **IMMUNOASSAY DEVICE WITH IMPROVED SAMPLE CLOSURE** the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is known to us to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s):**  
Number      Country

**Priority Claimed**  
Day/Month/Year filed      Yes      No

We hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

**Prior Provisional Application(s):**  
Application Number

Filing Date

10/658,528

September 10, 2003

We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U. S. Application(s):**  
**Serial No.**      **Filing Date**

**Status: Patented, Pending, Abandoned**

The undersigned hereby grant(s) the firm of KATTEN MUCHIN ZAVIS ROSENMAN the power to insert on this Declaration any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.  
All future correspondence should be addressed to:

**27160**  
**KATTEN MUCHIN ZAVIS ROSENMAN**  
**525 West Monroe Street, Suite 1600**  
**Chicago, IL. 60661**  
**Tel.: 202.625.3500**

\*\*\*\*\*

Full name of first inventor: Cary James Miller

Inventor's signature: 

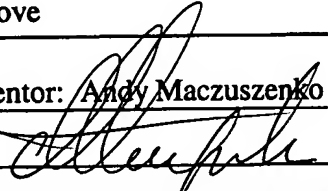
Date: 22 Oct 03

Residence: 93 Chickasaw Crescent, Ottawa, Ontario K2M 1N2 Canada

Citizenship: United States

Post Office: Same as above

Full name of second inventor: Andy Maczuszenko

Inventor's signature: 

Date: 21 Jan 2004

Residence: 20 Rowse Crescent, Toronto, Ontario M9P 3L5 Canada

Citizenship: Canadian

Post Office Address: Same as above


Please type a plus sign (+) inside this box ☐

PTO/SB/81 (02-01)

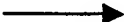
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 <b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	Application Number	10/658,528
	Filing Date	September 10, 2003
	First Named Inventor	Cary James Miller et al.
	Title	Immunoassay Device With Improved Sample Closure
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	215105.01400

I hereby appoint:

☒ Practitioners at Customer Number  

Place Customer Number  
Bar Code Label here

OR

☐ Practitioner(s) named below:


Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name	GRAHAM DAVIS
Signature	
Date	1.9.04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington DC 20231.

## STATEMENT UNDER 37 CFR 3.79(b)

Applicant/Patent Owner: Cary James Miller, et al.Application No./Patent No. 10/658,528File/Issue Date: September 10, 2003Entitled: IMMUNOASSAY DEVICE WITH IMPROVED SAMPLE CLOSURE

I-STAT Corporation

, a

corporation organized under the laws of Delaware

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

## STATE THAT IT IS:

1. ☒ the assignee of the entire right, title, and interest ; or
2. ☐ an assignee of less than the entire right, title and interest. The extent of its ownership interest is \_\_\_\_\_% (by percentage)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the U. S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the U. S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the U. S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to the Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 1. 9. 04 Typed or printed name:GRAHAM DAVIS

Signature:

Graham Davis,

Title:

DIRECTOR, SCIENTIFIC AFFAIRS.